

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ERIC ROMAN,

Plaintiff,

19 **CIVIL** 3688 (JLC)

-against-

**JUDGMENT**

ANDREW M. SAUL,  
Commissioner, Social Security Administration,  
Defendant.

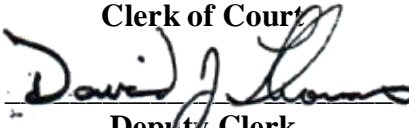
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons set forth in the Court's Opinion and Order dated August 21, 2020, Roman's motion for judgment on the pleadings is granted, the Commissioner's cross-motion is denied, and the case is remanded to the ALJ pursuant to sentence four of 42 U.S.C. § 405(g). Specifically, on remand, and consistent with this Opinion, the ALJ should:

- (1) Provide a comprehensive analysis, including the application of the *Burgess* factors, for the weight assigned to the opinions of treating physicians Drs. Themistocle, Nunes, and Smith, if deemed less-than-controlling;
- (2) Reevaluate Roman's credibility based on further development of the record; and
- (3) Reconsider Roman's obesity after properly applying the treating physician rule.

**Dated:** New York, New York  
August 21, 2020

**RUBY J. KRAJICK**

BY:   
Clerk of Court  
Deputy Clerk